

REMARKS

This supplemental response accompanies an executed Rule 132 Declaration by Roger R. Dmochowski ("Dmochowski Declaration").

In his declaration, Dr. Dmochowski attests that a person with a background in urology would have understood, at the critical date, that, by virtue of the differences in the function of the ureter and urethra, there is a corresponding difference in the dysfunctions responsible for vesicoureteric reflux (VUR) and urinary incontinence (UI), respectively, and that such difference would have militated against generalizing from (i) the documented usage of a bulking agent for treating VUR to (ii) a suggestion of using such bulking agent to treat UI. (Dmochowski Declaration, ¶ 13.)

Thus, Dr. Dmochowski's declaration further supports Applicants' argument against the Office's rejection of the pending claims under 35 U.S.C. § 103, as presented in the Amendment and Reply Under 37 C.F.R. § 1.111 filed on June 11, 2008, at pages 9-12. Specifically, Dr. Dmochowski's Declaration further supports Applicants' position that one having ordinary skill in the art, in view of the cited references, would not have been motivated to use acrylamide hydrogel as a bulking agent to treat urinary incontinence, and would not have reasonably expected success in using polyacrylamide as a bulking agent to treat urinary incontinence.

Applicants renew their request for an early indication of allowability in this case. Again, Examiner Fubara is invited to contact the undersigned with any concerns that she may have.

The Commissioner is hereby authorized to charge any additional fees, which may be required under 37 C.F.R. §§ 1.16-1.17, and to credit any overpayment to Deposit Account No. 19-0741. Should no proper payment accompany this response, then the Commissioner is authorized to charge the unpaid amount to the same deposit account.

If any extension is needed for timely acceptance of submitted papers, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of the relevant fee(s) from the deposit account.

Respectfully submitted,

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